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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
| 10/805,580 | 03/20/2004 | 1661 | 530 | | 1 | 1 | 1 |

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PAGE 1/4 * RCVD AT 6/10/2004 11:44:50 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/1 * DNIS:7469195 * CSID:12548343571 * DURATION (mm:ss):01:32

6/10/04

There is no
priority claim!

4 Pages total

Request for
Non-Publication
was submitted with
the application.
Please correct filing
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UNITED STATES DEPARTMENT OF COMMERCE PATENT OFFICE

Receipt is acknowledged of the Plant Patent Application below *via Express Mail*.
It will be considered in its order and you will be notified to its examination.

Commissioner of United States Patent & Trademark Office

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| GROUP NUMBER | FILING DATE | SERIAL NUMBER |
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APPLICANT: HEINRICH WESTHOFF 17302 U.S. PTO
TITLE: LOBELIA PLANT NAMED 'WESLOLAV' 10/805580

| | | | | | |
|---|------------------------|---------|---------|---------------------------|---|
| Pages of Description Claim, & Abstract | Sheets of Photos | Declar. | Assign. | Nonpublication Request | Filing Fee, Assignment Recordation Fee |
| 15 | 1 | YES | YES | YES | \$570.00 |

**PATENT APPLICATION TRANSMITTAL LETTER &
FORM FOR EXPRESS MAIL CERTIFICATION**

EXPRESS MAIL LABEL NUMBER: ET 593534485 US
DATE OF DEPOSIT: MARCH 20, 2004

The Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

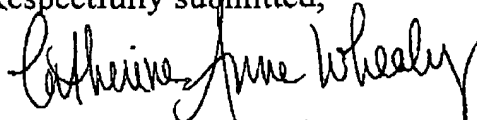
I hereby certify that the attached U.S. Plant Patent Application including the items listed below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner of Patents, Alexandria, Virginia 22313-1450. Transmitted herewith for filing under 35 U.S.C. §111 and 37 CFR §1.53 is the plant patent application of:

INVENTOR: HEINRICH WESTHOFF
TITLE: LOBELIA PLANT NAMED 'WESLOLAV'

In connection with this application, the following are enclosed:

- 15 Pages of written description, claims and abstract.
- 1 Sheet of photographs, in color, in duplicate, as required by Rule 165.
- 1 Executed Declaration of the Inventor including Authorization of Agent.
- 1 Assignment of the Invention to Josef und Heinrich Westhoff Gartenbau-Spezialkulturen of Südlohn, Germany.
- 1 Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
- 1 **Check in the amount of \$570.00 U.S. for the required U.S. Plant Patent application filing fee (\$530.00) and Assignment Recordation fee (\$40.00).**

Respectfully submitted,



Catherine Anne Whealy
Registration No. 39,419
P.O. Box 220
Tolar, Texas 76476
TEL: 1-254-835-5150

| | | |
|---|-------------------------|---|
| NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | WESTHOFF, Heinrich |
| | Title | Lobelia Plant Named 'WESLOLAV' |

I hereby certify that the invention disclosed in the attached **application** has **not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Signed:  Date: 17th nov 2003
Name: **HEINRICH WESTHOFF** Applicant

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent & Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**